

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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GEORGE THOMAS BATES and  
PATRICE ANN BATES,

Plaintiffs,

v.

RICHARD J. NUSS,

Defendant.

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ORDER

11-cv-207-slc

Plaintiffs George Bates and Patrice Bates have submitted a proposed complaint. Plaintiffs have asked for leave to proceed *in forma pauperis* and have supported their request with an affidavit of indigency. The standard for determining whether a plaintiff qualifies for indigent status is the following:

- From plaintiff's annual gross income, the court subtracts \$3700 for each dependent excluding the plaintiff.
- If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs.
- If the balance is greater than \$16,000 but less than \$32,000, the plaintiff must prepay half the fees and costs.
- If the balance is greater than \$32,000, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

In this case, plaintiffs have two dependents. George Bates' annual income from unemployment benefits for the year preceding the filing of his complaint is \$2,625. Patrice Bates' annual income is \$14,000. After subtracting \$7,400 for their dependents, plaintiffs'

balance comes to \$9,625. Because plaintiffs' income is less than \$16,000, they can proceed without any prepayment of fees or costs.

Accordingly, IT IS ORDERED that plaintiffs' complaint is taken under advisement. As soon as the court's calendar permits, plaintiffs' complaint will be screened pursuant to 28 U.S.C. § 1915 to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Plaintiffs will be notified promptly when such a decision has been made. In the meantime, if plaintiffs needs to communicate with the court about this case, they should be sure to write the case number shown above on their communication.

Entered this 22nd day of March, 2011.

BY THE COURT:

  
PETER OPPENEER  
Magistrate Judge